



30 JUN 2004  
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In re Application of:	:	
SUGINOYA, Mitsuru	:	
U.S. Application No.: 09/914,484	:	DECISION ON PETITION
PCT No.: PCT/JP00/01209	:	
International Filing Date: 01 March 2000	:	
Priority Date: 02 March 1999	:	
Attorney's Docket No.: S004-4374 (PCT)	:	
For: METHOD OF MANUFACTURING LIQUID	:	
CRYSTAL DISPLAY	:	

This decision is issued in response to applicant's "Request For Withdrawal And Vacation Of Notification Of Abandonment" filed 08 March 2004, which has been treated as a petition under 37 CFR 1.181 to confirm the filing of an executed declaration and surcharge payment on 10 January 2002. No petition fee is required.

### **BACKGROUND**

On 01 March 2000, applicant filed international application PCT/JP00/01209 which claimed a priority date of 02 March 1999 and which designated the United States. On 08 August 2000, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 02 September 2001.

On 28 August 2001, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment for the basic national fee and an English translation of the international application.

On 02 April 2003, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 01 March 2004, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the Notification of Missing Requirements.

On 08 March 2004, applicant filed the submission considered herein as a petition under 37 CFR 1.181. The petition asserts that on 10 January 2002, applicant filed an executed declaration and the \$130 surcharge for filing this declaration later than thirty months after the

priority date. Attached to the petition are copies of the materials purportedly filed on 10 January 2002 as well as a copy of a PTO Receipt which itemizes these materials and bears a USPTO receipt stamp dated 10 January 2002.

### DISCUSSION

Based on applicants' statements in the present petition, the attached return postcard, and internal USPTO records which indicate the receipt of the \$130 surcharge payment on 10 January 2002, it is concluded that the materials attached to the present petition, including the executed declaration, were originally filed in the USPTO on 10 January 2002. Accordingly, the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 02 April 2003, based as it was on applicant's purported failure to file an executed declaration, is appropriately vacated. The Notification Of Abandonment (Form PCT/DO/EO/909) mailed 01 March 2004, based as it was on the failure to respond to the now vacated Notification Of Missing Requirements, is also appropriately vacated.

A review of the declaration filed 10 January 2004 reveals that it is in compliance with 37 CFR 1.497.

### CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**. The materials attached to the present petition, including the executed declaration and the surcharge payment, are considered to have been filed on 10 January 2002.

The Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 02 April 2003 is hereby **VACATED**.

The Notification Of Abandonment (Form PCT/DO/EO/909) mailed 01 March 2004 is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date is 10 January 2002.



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